



1754

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
HOELZLE et al.)	Confirmation No.: 7164
)	
Serial No. 10/090,762)	Group Art Unit: 1754
)	
Filed: March 06, 2002)	Examiner:
)	Maribel Medina Sanabria

For: METHANOL REFORMING CATALYST HAVING A REDUCED VOLUME SHRINKAGE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, PO Box 1450, Alexandria, VA 22313-1450, on: 03/30/2004

Date of Deposit	H.B.Keil
Person Making Deposit	<i>Herbert B. Keil</i>
Signature	03/30/2004
Date of Signature	

Honorable Comm'r. of Patents
PO Box 1450
Alexandria, VA 22313-1450

REPLY UNDER 37 C.F.R. § 1.121

Sir:

In response to the Notice of Non-Compliant Amendment (37 CFR 1.121) of March 19, 2004, the following is respectfully submitted.

According to the Notice the applicants' previous reply did not comply with the provisions of Rule 121 for lack of proper status identifier and for lack of marking the changes in the claims identified currently amended. Applicants respectfully disagree with the findings indicated in the Notice.

Applicants' previous reply dated March 01, 2004 (date of the Certificate of

Mailing), included a Listing of Claims as Appendix I and further included a clean copy of the amended claims as Appendix II. A copy of the two Appendices (set forth on pages 8-13 of the reply) is enclosed.

The Listing of Claims clearly shows on page 9 that the only claim marked as "currently amended" indicates all changes that were effected. All other claims are original or new claims and marked accordingly. Only the clean copy of claims does not show the changes (Appendix II, page 11-13).

As can be seen from the attached the Listing of Claims fully meets the requirements of Rule 121 and the Notice was issued in error.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read "H B Keil", written in a cursive style.

Herbert B. Keil
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UNITED STATES PATENT AND TRADEMARK OFFICE

10/090762
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 5/1/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (See 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. **Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.**

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Currently amended claims should show changes

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/prconnotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)